

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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MICHAEL J. MIDDLETON,

Plaintiff,

vs.

EVELYN B. KERN,

Defendant.

2:10-CV-01887-PMP-RJJ

ORDER

Before the Court for consideration is Plaintiff Michael Middleton's Motion/Application for Leave to Proceed *In Forma Pauperis* (Doc. #1), filed on October 27, 2010. On January 6, 2011, the Honorable Robert J. Johnston United States Magistrate Judge, entered a Report and Recommendation (Doc. #6) recommending that Plaintiff Middleton's Motion/Application for Leave to Proceed *In Forma Pauperis* (Doc. #1) should be denied.

Plaintiff Middleton was given notice to file written objections with the court to Magistrate Judge Johnston's Report and Recommendations within ten (10) days after being served. To date no objections have been filed and the time to do so has now expired.

The Court has conducted a de novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2 and determines that Magistrate Judge Johnston's Report and Recommendation should be Affirmed.

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1 **IT IS THEREFORE ORDERED** that Magistrate Judge Johnston's
2 Report and Recommendation (Doc. #6) is Affirmed and Plaintiff Michael
3 Middleton's Motion/Application for Leave to Proceed *In Forma Pauperis* (Doc. #1)
4 is **DISMISSED** with prejudice.

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6 DATED: January 27, 2011.

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10 PHILIP M. PRO
11 United States District Judge
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